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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/486,706 06/26/00 TIMMERMANN

A 1247-0861-3V

PM82/0330
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EXAMINER

STRIMBU, G
ART UNIT

PAPER NUMBER

3634
DATE MAILED:

03/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/486,706

Applicant(s)

A. Timmermann

Examiner

Gregory J. Strimbu

Group Art Unit

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- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-9 _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-9 _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The drawing(s) filed on Jun 26, 2000 is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The copies of the foreign references cited in the International Search Report have been considered.

Drawings

The drawings are objected to because the applicant has not used the proper cross sectional shading for shaped piece 8 since the applicant has used a metal cross sectional shading when the piece 8 comprises plastic. See MPEP 608.02. Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology "said" on line 4 and "means" on line 11 should be deleted. On line 1, "[t]he invention relates to" can be easily implied and therefore should be deleted. On line 12, "destined for the inside of the vehicle" is awkward and confusing. Finally, the applicant should delete "[f]igure 1" on line 13 since a figure is not required for U.S. patent prosecution. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the box structure as set forth in claim 1.

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.

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- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

Claim Rejections - 35 USC § 112

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with 35 USC 112 informalities which appear to have been created during the translation of the application into the English language. The following is only a partial list of the numerous informalities currently present in the claims. It is requested that the applicant amend the claims in order to bring them into conformance with 35 USC 112 in light of the examples below.

Recitations such as "the inside of the vehicle" on line 4 of claim 1 render the claims indefinite because they lack antecedent basis and because it is unclear if the applicant is claiming the subcombination of a door or the combination of a door and a vehicle. The preamble of claim 1 implies the subcombination while the positive recitation of the vehicle on line 4 implies the

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combination. Recitations such as “such as” on line 7 of claim 1 render the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Recitations such as “the like” on line 8 of claim 1 render the claims indefinite because the claims include elements not actually disclosed (those encompassed by “the like”), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Recitations such as “and/or” on line 10 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant setting forth “and” or “or”? Recitations such as “characterized in that the equipment support . . . box structure” on lines 13-15 of claim 1 render the claims indefinite because it is unclear how the equipment support alone can comprise a double shell box structure since it appears that the equipment support and the trim lining form the double shell structure. Recitations such as “the form of a double-shell box structure” on lines 14-15 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises “the form of” and what comprises a “double shell box structure”? Recitations such as “the door” on line 17 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the door structure or the door set forth above. Recitations such as “according to the stylistic ideas of the day” on line 4 of claim 9 render the claims indefinite because they are relative terms whose meaning can be ascertained by one with ordinary skill in the art and are not defined in the specification.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hashimoto et al. Hashimoto et al. discloses a vehicle door D comprising a door structure 10 consisting of an outer wall (not numbered) and a lower wall 14 and lateral walls 14 and which is open towards the inside of the vehicle, an equipment support 100 which can be fixed to the door structure, comprising already mounted equipment such as the window glass, the window lifter mechanism 130, the window lifter motor and the like, and which essentially supports equipment which is decisive in terms of weight and/or which exerts and/or transmits forces, an interior trim lining 20, characterized in that the equipment support comprises at least one region in the form of a double-shell box structure (not numbered, but seen in figure 2 comprising the indentation to which the window lifter mechanism 130 is attached), resistant to warping, with two continuous walls (not numbered, but comprising a wall of the equipment support and a wall of the interior trim lining) which are spaced apart and parallel to the outer wall of the door, and in that the outer surface of the box structure facing toward the outer door wall is parallel and close to a line along which the window 120, which can be dropped down into the space between the outer wall of the door and

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the surface of the box structure moves, and in that the inner surface of the box structure facing towards the inside of the vehicle is equipped with attachment means (not numbered, but shown in figure 2) for mounting equipment 134 destined for the inside of the vehicle, such as the door handle, loudspeakers or the like.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim rejected under 35 U.S.C. 103(a) as being unpatentable over .

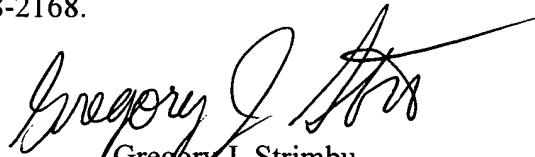
Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. as applied to claims 1-7 and 9 above, and further in view of Finch et al. Finch et al. disclose a vehicle door comprising a body of foam 11 for side impact protection.

It would have been obvious to one of ordinary skill in the art to provide Hashimoto et al. with a body of foam, as taught by Finch et al., to attenuate the forces generated during side impacts.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okamoto et al., Basson et al., Benoit et al., Seeberger et al., Ohya et al., Takiguchi et al. and Ritchie are cited for disclosing a vehicle door comprising an equipment support and an interior trim lining.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is (703) 305-3979. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M. The fax phone number for this Group is (703) 305-3597. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.


Gregory J. Strimbu
Patent Examiner
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